

BOY SCOUTS OF AMERICA

DATE Oct. 29, 1985SOCIAL SECURITY
NUMBERFULL NAME Carlton L. Bittenbender
(No initials if you can possibly get full name)ADDRESS [REDACTED]CITY Reston STATE Virginia ZIP CODE 22091DATE OF BIRTH NA (This is important and should be exact)APPROXIMATE AGE 41 (To be used ONLY when date of birth is not known)RELIGION Not known NATIONALITY U.S. CitizenOCCUPATION Manufacturer's Representative, American Newspaper Publication Assoc.EDUCATION not knownWEIGHT 180 est. HEIGHT 5' 10" est. RACE whiteCOLOR OF HAIR brown COLOR OF EYES brownOUTSTANDING CHARACTERISTICS OR INTERESTS avid outdoorsmanMARRIED OR SINGLE divorced CHILDREN believe 2 by 1st marriage
(Number, ages, and names, if possible)

NAME OF SPOUSE _____

SCOUTING CONNECTIONS:

UNIT #	CITY	STATE	POSITION	DATE REGISTERED	DATE RESIGNED
1970	Reston	VA	SM	April 1984	May 1985

SPECIAL RECOGNITION _____

SUSPENDED OR DENIED REGISTRATION FOR FOLLOWING REASONS:

Guilty plead to 5 sex charges on Oct. 25, 1985, see newspaper article attached

SPECIFY THE FACTS WHICH LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION AND LIST ATTACHED SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR, CONJECTURE OR SPECULATION):

F. STARON

APR 4 1985

APR 15 '86

JOSEPH L. ANGLIM

RS-509

4/14/83-nah

signed

Scout Executive D.F.

Council NATIONAL CAPITAL AREA

CONF024409

November 25, 1985

SUBJECT: CONFIDENTIAL FILE

From: Paul Ernst, S108.

To: Dave Park, S400

You asked that I indicate the procedure we now use for checking individuals on our confidential file, and what precautions we try to take to maintain the integrity of our adult membership.

We have a file of individuals against which every adult registration is checked. Every year as an individual registers the name is checked to see if it is similar to one on our file of people for whom we would refuse registration.

This file is built through the involvement of local councils and the national office. Whenever an individual who is in Scouting, or has previously been in Scouting, has done something which seems to preclude his activity as a leader, this individual's name is placed on the file. We secure as much information as possible from the various sources who are familiar with the situation. After the information has been secured and I am satisfied that it meets our criteria for refusal, I then review each case with Mr. Joseph Anglim and Mr. David Park, before a final approval is placed on this individual for inclusion in the file.

Individuals are placed on the file for numerous reasons. Conviction and sentencing for a crime is not necessary in certain situations, if it is felt by all concerned that the individual is not a suitable leader for youth.

There has been a file in existence since the late teens, when the first individuals were placed on the file. We have maintained this file since, and now take people off the file when they reach an age of 75 or are known to be deceased.

If you would like more information concerning this, please do not hesitate to contact me. The file is kept very confidential in this office, since we allow only three individuals to have access. This makes sure that no one will be aware of the names, and find someone they might be acquainted with.

In the Carlton Bittenbender situation, we did not have any information indicating that Mr. Bittenbender should be placed on the confidential file until 1985. We then placed him on file and would refuse any registration attempts at this time. No one informed us that he had been convicted in 1981, until the present information arrived at our office.

spm

CONF024410

April 18, 1986

Mr. Paul Davis
Scout Executive
National Capital Area Council, No. 82

PERSONAL AND CONFIDENTIAL

SUBJECT: Carlton L. Bittenbender

Dear Paul:

Thank you for the detailed information concerning the above Scouter. We have reviewed this case with our Attorney and have now placed this man on the Confidential File.

Sincerely,

Paul Ernst, Director
Registration, Subscription &
Statistical Service

cr1

cc: Northeast Region

READY FOR FILE

APR 16 1986

SHIRLEY MEYER

CONF024411

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APR 19 1986

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CONF024412

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F. STARON

APR 4 1985

MAILED

APR 15 '86

JOSEPH L. ANGLIM

RS-509

4/14/83-nah

Signed

Rich Rogers
Paul P. Ryan

SCOUT EXECUTIVE D.F.

Council NATIONAL CAPITAL AREA

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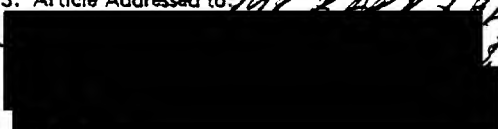
spm

CONF024414

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. ☐ Restricted Delivery
 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: <i>MR RAPPACH</i>  <i>BALTIMORE MD</i> <i>21202</i>	4. Article Number <i>17040</i> <i>X</i>
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
	Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee <i>X</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent <i>X</i> <i>M. Bin</i>	
7. Date of Delivery <i>9.26.87</i>	

PS Form 3811, Mar. 1987

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CONF024415

Scouts, Sponsor Debate Responsibility

Issue of Local or National Focus Arose in Va. Molestation Case

By Thomas Heath
Washington Post Staff Writer

Making local scout groups responsible for selecting leaders will not hurt the organization's ability to attract sponsors, spokesmen for the Boy Scouts said yesterday after a verdict in a Fairfax County molestation case.

"I don't think it will affect us," said Frank Hebb, director of public affairs for the national office of the Boy Scouts of America in Irving, Tex. The Parent Teacher Association, which sponsors thousands of scouts, "has been expressing concern, but the points of contention with the PTA are peculiar to the PTA," he said.

A national PTA spokeswoman disagreed, saying responsibility for selecting scout leaders should stay with the scouts.

"While the potential liabilities are the same for all chartering organizations, the national PTA believes it has an obligation to inform its members about the responsibilities in, and ramifications of, signing the current Boy Scout charter application," according to a written statement by Manya Ungar, national PTA president.

The liability factor takes on added importance in light of a jury decision Wednesday to award a Reston youth \$45,000 in damages because he was molested by his former scoutmaster. The jury was asked to award \$10 million.

The jury found that the Washington area scout council, not the national Boy Scouts, was responsible for selecting and retaining Scoutmaster Carlton L. Bittenbender, who had a history of pedophilia.

The Boy Scouts organization has national guidelines for the selection of leaders and requires an application that helps screen undesirable adults, but the rest is left to local sponsors.

The national PTA, whose local chapters sponsor 6,000 to 8,000

scout units, has expressed concern that the annual forms for chartering local troops have been rewritten to place more responsibility on local groups.

Spokesmen for other youth organizations also have said that more responsibility for leaders should be assumed at the national level.

"I find it very sad that national organizations take the position that locals should take responsibility," said Donald L. Wolff, former legal counsel and former board member of the national Big Brothers and Big Sisters of America. "The point is, the national organization is responsible at least to set up standards and minimum professional standards to which locals should be required to respond."

Paul R. Davis Jr., scout executive of the National Capital Area Council, said he does not feel the jury's decision to place liability on the Washington group will hurt its recruitment of charter organizations or encourage more lawsuits.

"I'm sure there will be a concern," Davis said. "But we do not look upon it [the verdict] as having an adverse reaction. Responsible individuals will look upon it as an incident and it will not reflect on all the good that scouting has done."

There are 48,000 scouts and 17,000 volunteers in 1,400 troops in the council, which encompasses the District, Northern Virginia and areas of Maryland north of Washington.

The PTA and the scouts are attempting to resolve their differences over where responsibility should rest for the selection of scout leaders.

In letter sent to state and local unit presidents of the PTA in November, Ungar said the changes in the rewritten charter forms "appear to shift the responsibility for screening and approving Boy Scout leaders onto the shoulders of PTA leaders. In the view of our legal advisers, this responsibility could re-

sult in increased liability to PTA units, and possibly to their leaders, should some unfortunate situation develop involving the leadership of the local scout organization."

Scout spokesman Hebb said that as far as he is concerned, the leadership guidelines are mandatory and local professional scouts should work with charter organizations to ensure the guidelines are followed.

The national organization now seeks more information concerning a volunteer's background, including references, the applicant's driver's license and personal background. The enhanced application includes questions about an applicant's criminal record and whether there is a history of child abuse.

The scouts also maintain a national confidential file system with the names of adults who could pose a threat to scouts.

\$45,000 Award to Molested Va. Youth Hailed as Victory by Scouts

By Thomas Heath
Washington Post Staff Writer

The Boy Scouts of America declared victory yesterday when a jury in a \$10 million civil trial awarded a Reston youth \$45,000 in damages because he was molested by his former scoutmaster.

After more than five days of deliberation in Fairfax Circuit Court, a seven-member jury found that the Washington area scout council, not the national organization, should pay the damages because the local coun-

cil was liable for selecting or retaining former scoutmaster Carlton L. Bittenbender.

The youth and his family had asked for \$30 million in compensatory and punitive damages, but the amount was reduced during the trial. The plaintiffs' attorney, Douglas B. Wessel, said last night that during the first week of the six-week trial the scouts offered \$1 million to settle the case but the family rejected it.

"We're very pleased with the outcome," said Frank Hebb, director of

public relations for the national office of the Boy Scouts of America. "The Boy Scouts of America and the National Capital Area Council consider the jury's verdict as a vindication of the scouts' conduct throughout this matter.

"The evidence at the trial clearly demonstrated that scouting is a local activity and that parents, neighbors and fellow members are the people best suited to select scouting membership," Hebb said in a prepared statement. "Child abuse in any form is a terrible thing, and the Boy Scouts of

America have done and will continue to do everything possible to fight this blight upon our society."

The jury determined that Bittenbender sexually molested the youth, but answered no to the question, "Did the Boy Scouts of America select and/or retain Carlton Bittenbender as a scoutmaster for Troop 1970?"

Wessel said he was disappointed with the outcome. "How this boy could have suffered \$45,000 worth of damages, I simply don't understand," he told reporters after the verdict. In an emotional voice, Wessel called his

client "a helluva guy, and I'm sorry it ended this way for him. This boy deserves better than this."

The award does not cover the youth's medical expenses thus far, which were \$53,907, according to testimony. In addition, one-third of awards in personal injury cases are normally collected by attorneys as their fee.

Wessel said he will ask Judge Richard J. Jamborsky to set aside the verdict because of "grossly inadequate" damages and to overrule the jury's conclusions. Those mo-

tions have been set for Jan. 27. If Jamborsky rules against the request, Wessel can appeal to the Virginia Supreme Court for a new trial.

The plaintiffs' main argument was that the national scouts and the Washington area council, which represents the District, Northern Virginia and areas of Maryland north of the District, failed to protect their youths from pedophiles who preyed on the scouts. The attorneys had put the 5.2 million-member national organization on

See SCOUT, D4, Col. 1

Part of Suit Against Boy Scouts Thrown Out by Virginia Judge

Abused Youth Can't Get Punitive Damages

By Thomas Heath
Washington Post Staff Writer

A Fairfax Circuit Court judge presiding over a civil lawsuit against the Boy Scouts of America granted a defense motion yesterday to strike a \$15 million request for punitive damages against the scouts because of lack of evidence.

"I don't for the life of me find the evidence supports the punitive damages claim," Circuit Judge Richard J. Jamborsky told lawyers gathered in his chambers.

The ruling came after attorneys for the plaintiff rested their case in the fourth week of the trial. Earlier in the day, the plaintiff, a former scout from Reston who was sexually abused by his scoutmaster, took the stand and detailed his 11-month relationship with the man convicted of molesting him.

Attorneys for the youth, now 17, have accused the Boy Scouts organization of failing to identify and screen pedophiles from its ranks, and engaging in a nationwide cover-up, because of fear of publicity. The youth sued the scouts and his former scoutmaster for \$30 million, equally divided between punitive and compensatory damages.

Jamborsky's ruling on the punitive damages means that the plaintiff's attorneys did not show that the Boy Scouts were willful, malicious or reckless in choosing a scoutmaster with a history of pedophilia, and therefore the plaintiff cannot collect money for reasons of punishment.

The judge is expected to rule this morning on a motion by attorneys for the scouts to strike the \$15 mil-

lion request for compensatory damages. If the request is not dismissed, attorneys for the scouts said they will present their side of the case, finishing today.

Before adjourning yesterday, Jamborsky again suggested that attorneys on both sides settle the case.

"I do not think in this jurisdiction [Virginia] the plaintiff has a strong case," the judge said, adding that attorneys are "playing a form of roulette" by sending the case to the jury.

The abused youth and his parents are suing former scoutmaster Carlton L. Bittenbender; the National Boy Scouts of America, based in Irving, Tex., and the National Capital Area Council of the Boy Scouts. The suit alleges that the organization was negligent in failing to protect the youth from Bittenbender, who had a history of pedophilia, including convictions for sexual assault while he was a scoutmaster in Rhode Island. Bittenbender, 44, is serving a 30-year prison sentence.

During more than two hours on the witness stand yesterday, the youth described in an unemotional voice a sexual relationship—sealed by a blood oath—conducted in several places, including on scout camping trips with the boy's father, who was asleep nearby.

The boy, whom The Washington Post is not identifying because of his age, testified that he has taken antidepressant medication for the last few years.

He described how Bittenbender at times gave him alcohol before sex

and assured him that Greek scholars had sex with their students. Bittenbender even invoked the deity, testified the youth, who was 12 when he was sexually molested.

"He told me we were both going to go to heaven. He told me that God brought us together," the youth said, adding that Bittenbender took nude photos of him and asked if he would like to have sex with a third person. "I indicated that did not interest me," the youth testified.

The scouts contend that the boy's troubled home life—an alcoholic, homosexual father who was not close to his son, and a mother who was having a relationship with Bittenbender while he was molesting her son—is the reason for his distressed mental state.

The boy's relationship with his scoutmaster began in January or February 1983 and lasted until about December of that year, when the boy told Bittenbender he did not want to continue having sex, the youth testified yesterday.

Asked why he wanted to stop the relationship, the youth said: "I was starting to feel there was something wrong . . . something wasn't right about our relationship."

A few weeks later, the boy sent his scoutmaster a Christmas card.

Why? asked his attorney.

"I still wanted him to like me. I just didn't want to have sex with him," said the youth.

Boy Scouts Win Battle in Molestation Case

Expert on Information Systems Will Not Testify for Reston Youth

By Thomas Heath
Washington Post Staff Writer

Lawyers defending the Boy Scouts of America in a civil suit involving a scoutmaster's sexual molestation of a Reston youth won a victory in Fairfax Circuit Court yesterday when the judge decided against allowing a potentially damaging witness to testify.

Circuit Judge Richard J. Jamborsky ruled that Dr. Edgar H. Sibley, an expert on computer information systems, will not be permitted to testify before the jury that will decide the case. The judge called some of Sibley's assertions inappropriate and argumentative and said they would be similar to a closing argument and a "general critique" of the Boy Scouts' method for screening adult volunteers.

Jamborsky did allow into evidence 231 confidential files kept by the national Boy Scouts organization on which Sibley based his assertions. Those files, produced in response to a subpoena, have been used to identify adults who are a threat to scouts and are checked against applications to ensure that those persons do not join scouting organizations.

In a hearing yesterday that began

the second week of the trial, Sibley portrayed the national Boy Scouts of America as an agency unable and unwilling to deal with pedophiles within its ranks. "They were somewhat reckless in the way they selected and maintained leaders," Sibley said.

He listed more than a dozen areas in which he said the scouts failed to address the problem of pedophilia and estimated that 600 young scouts may have been affected by pedophiles within the scouting movement from 1975 to 1984.

A spokesman for the scouts said later that millions of youths were involved in scouting during those years and called Sibley's figure an extrapolation.

The abused youth, now 17, and his parents are suing former scoutmaster Carlton L. Bittenbender, the National Boys Scouts of America, based in Irving, Tex., and the National Capital Area Council of the Boy Scouts for \$30 million. The suit alleges that the organization was negligent in failing to protect the youth from Bittenbender, who had a history of pedophilia, including convictions for homosexual molestation while he was a scoutmaster in Rhode Island.

Sibley, who teaches at George Mason University, said he based his statements on 120 hours of examination of the confidential files.

Among his observations were that scouting officials lack understanding of the problem of pedophilia, that there is a need to identify pedophiles, that safeguards are inadequate and that scouting fails to abide by its own procedures for removing offending leaders.

Barry Bach, one of the attorneys for the Boy Scouts, argued that Sibley is an expert on computers and not an expert on Boy Scouts' files.

"This man . . . has a personal standpoint and view and would like to communicate that to the jury," Bach said.

Jamborsky agreed, and said Sibley's testimony was "all entirely inadmissible for a jury trial."

In recent years the national organization has developed a five-point program that includes increased screening of volunteers and improved education on detection and prevention of sexual abuse.

October 10, 1988

Mr. Barry Bach

100 Light Street
Baltimore, MD 21202

Dear Barry:

This is to confirm our conversation concerning the November-December 1984 issue of Scouting magazine. You gave me the information from a label of a magazine, which was sent to Carlton Bittenbender. The label read 082/1970 BTTDN 851C 904A 0925SM. I indicated the 082 was the council number for the National Capital Area Council; the 1970 is the Troop number of which Mr. Bittenbender was Scoutmaster, as indicated by the last two letters in this label. The magazine would expire in February 1985, since the Troop expired in December 1984, and magazines always expire two months after the unit. The 851C is part of the address where Mr. Bittenbender lived at that time.

The November-December Scouting magazine labels are normally pulled around October 1, so that the magazine can be mailed and received by our subscribers around November 1.

There is no indication on the label to tell whether a label is a main list label or one of our first copies pulls. Normally, we pull four first copies after the main list for the November-December issue. These would be pulled every two weeks, which means they would be pulled October 15, November 1, November 15, and December 1.

Please do not hesitate to contact me, if you have further questions.

Sincerely,

Paul Ernst, Director
Registration Service

pam

READY TO FILE
OCT 10 1988
ERIN ORILEY

CONF024420

Mother Testifies About Faith In Scoutmaster Screening

Molested Boy's Parent Tells of Reassurances

A46 THURSDAY, DECEMBER 8, 1988

By Thomas Heath
Washington Post Staff Writer

The mother of a boy who was sexually molested by his scoutmaster testified yesterday that before she enrolled her son in a Reston Boy Scout troop she was told by a friend who recommended the group that the organization had a "computer in Texas" through which the scouts could check for "bad apples."

"I asked if the troop had checked [the scoutmaster's] references," said the mother, whom The Washington Post is not identifying because her son is a juvenile. The mother enrolled her son, who was 12 years old at the time, after the reassurances from the friend. The friend is the mother of a scout who already was in the troop.

In testimony during the third day of the civil trial before Fairfax Circuit Judge Richard J. Jamborsky, the mother described a family that was "not real happy." She detailed events leading up to her son's admittance into the Psychiatric Institute of Washington, including an incident during which he spat in her face and tried to strangle her. The woman also described her own sexual relationship with the scoutmaster, which occurred during the same period that the scoutmaster was molesting her son.

The youth, now 17, and his parents are suing former scoutmaster Carlton L. Bittenbender, the National Boy Scouts of America, with headquarters in Irving, Tex., and the National Capital Area Council Inc. for \$30 million in damages and medical costs. Bittenbender and the youth engaged in a nine-month sexual relationship in 1984.

Attorneys for the family have said that a lack of internal safeguards in the national scouting organization allowed Bittenbender, with a history of pedophilia, to become scoutmaster of a Reston troop. The attorneys are attempting to show that Bittenbender's previous sexual convictions, including some while he was a scoutmaster in Rhode Island, should have placed him in the Boy Scouts' national "confidential filing system," which contains the names and case files of persons who may be a risk if allowed access to young scouts.

THE WASHINGTON POST

In late 1984, several months after her son had joined the scouts, the boy's school attendance dropped off and "he went very slowly downhill," she said. He began displaying a constant "shivering" action and once grabbed his mother by the throat and threw the family dog against a wall.

During the boy's two-month stay at the Psychiatric Institute, the youth received cards from Bittenbender that the mother described in testimony as "love letters."

She recalled that one card said, "I miss the sunshine of your face," and another that said Bittenbender wanted to take the boy and a friend on a trip to Florida after he was released from the hospital.

The mother is expected to resume her testimony this morning.

Attorneys for the Boy Scouts have said that the cause of the boy's disturbed mental state rests with his own family's problems, including the father's homosexuality and alcoholism, and not from sexual molestation by the scoutmaster.

Bittenbender, who is attending the trial, is serving a 30-year term in a correctional facility in Staunton, Va., for convictions three years ago of sodomy and aggravated sexual battery against three boys, including the one who is suing him.

During testimony that was repeatedly interrupted by objections from attorneys for the Boy Scouts, the mother said it was her idea to enroll her son in the Boy Scouts because it would be beneficial for him to be in the company of male adults. The boy's father often was away from home and was not close to his son, according to the mother.

The mother said she was told by a friend about a "very dynamic scoutmaster" in Reston who was planning such outings as trips to Europe and "doing a lot of good things." After being told that the scouting movement had a method to check "bad apples," the mother enrolled her son in the program and he immediately started attending weekly meetings.

The mother went on to describe her son's close relationship with Bittenbender, noting that it angered the boy's father. The father then started drinking heavily, she said.

10-6-83

3:45 PM

JERRY BACH CALLED
BITTENBENDER CASE

NOV/DEC 1984 SCOUTING
LABEL

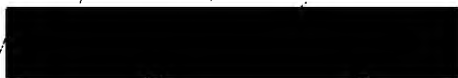
032/1970 BTTON 851C 904A 025 SM

CALL AT FRANK LANE OFFICE



WAS THIS FIRST COPY CANT TELL
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Bach,
Bach, Smith, Summerhill & Pass.



Balti MD 21502

W. PRICE BANISTER
NANCY F. BANISTER

September 6, 1988

Paul I. Ernst
Director of Registration
Boy Scouts of America
1325 Walnut Hill Lane
Irving, Texas 75038

RE: Infant C. vs. BSA, et al - Volumes I & II - Taken
8/30 & 8/31/88 by C. M. Sinclair and Joy H. Loftus

Dear Mr. Ernst:

Enclosed is a carbon copy and the original signature page of
the deposition you gave in the above captioned case.

Please read the entire deposition and sign the original
signature page. Should any changes or corrections be
necessary, they should be noted on the errata sheets
enclosed. Please also sign the errata sheets.

When you have read and signed your deposition, kindly return
to our office the transcript, the signed signature page, and
signed errata sheets in the enclosed, self-addressed envelope.

You have thirty days to read and sign your deposition. If you
fail to do that within the thirty days, the original transcript
will be released without your signature.

Very truly yours,
SALOMON REPORTING SERVICE, INC.

Joanne M. Hershberger
(Mrs.) Joanne M. Hershberger

JMH/hs

cc: Douglas B. Wessel, Esquire
Barry Bach, Esquire

1 mutual convenience within the time constraints.

2 MR. BACH: Let the record show it is by
3 my watch 18 after 5. Thank you, [REDACTED], for
4 your comments. My silence on your suggestion
5 should not be taken as any indication of any
6 position. Thank you.

7 He won't waive.

8 (Examination concluded at 5:18 p.m.)
9 -----

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13 Paul I. Ernst
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Salomon Reporting Service

SINCE 1908

INC

SUITE 1700 • COURT SQUARE BLDG. • 200 E. LEXINGTON ST. • BALTIMORE, MD 21202 • OFFICE (301) 539-6760

NETWORK REPORTING SYSTEMS

F- 71-52
Date

I do not wish to make any changes or corrections to my deposition.

OR

Paul Smart
Witness' signature

I wish to make the following changes for the following reasons:

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		REASON _____
_____	_____	CHANGE _____
		REASON _____

Witness' Signature

BOY SCOUTS OF AMERICA TRAVEL REQUEST

Approval has been given for the following business travel:

Passenger Paul Ernst Ext. 2510 Account No. 5308-009
 Home phone [REDACTED] Date ticket delivery required 8/26/88
 Today's date 8/25/88 Approved by Paul Ernst

Passenger should fill in the following information:

City	Date	Earliest Departure Time	Must Arrive by	Hotel	Rental Car Needed
FROM DFW	[REDACTED]				
TO DULLES	8/28	1:30 PM	5:26 PM	Courtyard Marriot Herndon, Reston VA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
TO DFW	OPEN				<input type="checkbox"/> Yes <input type="checkbox"/> No
TO					<input type="checkbox"/> Yes <input type="checkbox"/> No
TO					<input type="checkbox"/> Yes <input type="checkbox"/> No
TO					<input type="checkbox"/> Yes <input type="checkbox"/> No
TO					<input type="checkbox"/> Yes <input type="checkbox"/> No
TO					<input type="checkbox"/> Yes <input type="checkbox"/> No
TO					<input type="checkbox"/> Yes <input type="checkbox"/> No
TO					<input type="checkbox"/> Yes <input type="checkbox"/> No

COMMENTS:

74 - 901 - 1000

[REDACTED]

~~V 800 - BELHIT~~

AIRPORT - DULLES

HOTEL - COURTYARD MALLIOT
HOW LONG BERNDON, PASTON
OPEN RETURN VA

SUN AFTERNOON

Secretary called 8/23 PM -

Not sure if dep. is on or
not.

Will call tomorrow -

Wed 8/24

JM.

V I R G I N I A :

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

INFANT C

Plaintiff,

v.

BSA, et al.,

Defendants.

AT LAW NO. 80192

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE, pursuant to agreement of counsel for BSA/NCACBSA to produce voluntarily the below-mentioned deponent within this jurisdiction at the offices of plaintiff's counsel, and pursuant to an Order of Judge Jamborsky incorporating said agreement, Plaintiff, by counsel, will take the deposition of the following person on the date and at the time and place listed below, such testimony to be used for discovery or for evidence at trial, or both, pursuant to the Rules of the Supreme Court of Virginia and before an officer authorized to administer oaths. The person will produce the documents identified on the attached "DOCUMENTS TO BE PRODUCED..." at the same time and place.

1. PERSON: PAUL ERNST

2. LOCATION OF DEPOSITION/PRODUCTION:

LAW OFFICES OF DOUGLAS B. WESSEL
11718 Bowman Green Drive
Reston, Virginia 22090

3. DATE AND TIME OF DEPOSITION/PRODUCTION:

8:30 a.m., August 29, 1988

The deposition shall commence at the stated time, or as soon thereafter as feasible, and shall continue from day to day until completed. The deposition shall last until completed; if not completed by 6:30 p.m. on a given day, it shall be continued from 6:30 p.m. to the following day to commence at 8:30 a.m.

INFANT C

By Counsel

LAW OFFICES OF DOUGLAS B. WESSEL

Reston, Virginia 22090

WILLIAM A. BARTON, ESQ.

Newport, Oregon 97365

By: Douglas B. Wessel

By: William A. Barton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Notice of Deposition and attachment(s) were on this 12th day of August, 1988: mailed to Barry Bach, Esquire, [REDACTED] Baltimore, Maryland 21202; hand-delivered to Peter D. Greenspun, Esquire, 10605 Judicial Drive, #A-5, Fairfax, Virginia 22030; hand-delivered to Mark Yeager, Esquire, 10605 Judicial Drive, #A-6, Fairfax, Virginia 22030; and mailed to Helen Leiner, Esquire, [REDACTED] Suite 414, Fairfax, Virginia 22030.

Douglas B. Wessel

DOCUMENTS TO BE PRODUCED BY PAUL ERNST

DEFINITIONS

Unless otherwise indicated, the terms used in this document are defined as follows:

1. "You" and "your" refer to Paul Ernst and the persons referred to in paragraph A of the Instructions hereinbelow.

2. "Document" includes, but is not limited to, any written, printed, typed, recorded, filmed, punched, transcribed, taped or other graphic matter of any kind or nature however produced or reproduced, whether sent or received or neither, including the original, draft, copies and non-identical copies bearing notations or marks not found on the original, and including, but not limited to Scouting badges, hat patches, awards or physical objects, all the correspondence, records, drawings or blueprints, calculations, memoranda, reports, financial statements, handwritten telegrams, cables, telex messages, tabulations, studies, analyses, evaluations, projections, work appointment books, diaries, lists, comparisons, questionnaires, surveys, charts, graphs, books, pamphlets, articles, magazines, newspapers, booklets, microfilms, microfiche, phonographs, tapes or other recordings, punched cards, magnetic tapes, discs, data cells, drums, print-outs (including IBM or similar cards for information, data or programs), computer generated reports and print-outs, other data compilations from which information can be obtained, and any

other documents defined in the Rules of Court of your jurisdiction which are in your custody, possession, and/or control or to which you otherwise have access.

3. A document "relating," "related," "that relates" to any given subject matter, means any document that constitutes, pertains to, or in any way directly or indirectly bears upon or deals with that subject, including, without limitation, documents concerning the preparation of documents.

4. "Possession," "Custody" or "Control": Each request contained herein extends to any documents in your possession, custody or control, actual and constructive. The document is deemed to be in your possession, custody or control if it is in your physical custody or if it is in the physical custody of any other person and you (a) own such documents in whole or in part; (b) have a right by contract, statute or otherwise, to use, inspect, examine or copy such document; (c) have any understanding, express or implied, that you may use, inspect, examine or copy such document; or (d) have, as a practical matter, been able to use, inspect, examine or copy such document when you sought to do so.

5. "Custodian," when used with reference to a document or thing, means the person who has possession, custody, or control of the document or thing.

6. "Person" means any natural person, charitable organization, firm, corporation, partnership, association, joint

venture, governmental agency, or any other form of business or non-business entity and any legal entity.

7. "SCOUTMASTER" means Carlton L. Bittenbender.

8. "BOY SCOUTS NATIONAL COUNCIL" or "NCACBSA" means the Defendant National Capital Area Council, Boy Scouts of America, its attorneys, present and former officials, present and former executives, present and former employees, present and former agents, and all other persons presently or previously acting or purporting to act on its behalf, any parent, predecessor or successor, or affiliate thereof, any corporate predecessor or successor thereof as appropriate in the context.

9. "BOY SCOUTS OF AMERICA" or "BSA" means the Defendant Boy Scouts of America, its attorneys, present and former officials, present and former executives, present and former employees, present and former agents, and all other persons presently or previously acting or purporting to act on its behalf, any parent, predecessor or successor, or affiliate thereof, any corporate predecessor or successor thereof as appropriate in the context.

10. "BOY SCOUTS RHODE ISLAND COUNCIL" means the Narragansett Council, Boy Scouts of America, and the Scouting Districts within the Council, and the Council's attorneys, present and former officials, present and former executives, present and former employees, present and former agents, and all other persons presently or previously acting or purporting to act on its behalf, any parent, predecessor or successor, or affiliate

thereof, any corporate predecessor or successor thereof as appropriate in the context.

11. The singular shall be deemed to include the plural, the masculine to include the feminine, and vice versa.

12. "Sexual Contact" or "sexual contact" shall mean any physical contact between two persons involving kissing, fondling or touching of the lips, genital area, anus or buttocks, or of clothing covering same, masturbation of the genitals, anal sex of any kind (including digital penetration), oral sex of any kind (including oral contact with the penis), nakedness involving close physical proximity (without clothing or covering of the male genitals) or the taking of any pictures or films of the male genitals.

INSTRUCTIONS

Unless otherwise indicated, the following instructions apply to this Request for Production:

A. Documents to be produced include documents described herein that are in the possession, custody, or control of you or your agents, employees, servants, representatives, persons or entities taking actions or acting on your behalf and, unless privileged, your attorney(s).

B. If any document request calls for the production of documents which you claim to be privileged, in lieu of production, state:

- (1) The reason for withholding it;
- (2) The author of the document;

- (3) Each individual or other person to whom the document indicates the original or a copy has been sent;
- (4) The date of the document; and
- (5) The general subject of the document.

DOCUMENTS TO BE PRODUCED

1. All documents produced by you or on your behalf in this litigation.
2. All documents relating to the development, management, maintenance and application of BSA's information systems (including BSA's computer system and Confidential Files relating to sexual abuse of Boy Scouts or reporting of unfit Scout leaders) for selection, retention, approval, registration or de-registration of Scout leaders, or for tracking unfit leaders, for the period January 1, 1975, through January 1, 1985.
3. All documents related to the duties, responsibilities, roles or functions of the BOY SCOUTS OF AMERICA Department of Registration, Subscription and Statistical Service, for the period January 1, 1975, through January 1, 1985.
4. All documents relating to Carlton L. Bittenbender, the Plaintiff in this case or Boy Scouts in any area allegedly molested by Mr. Bittenbender. -
5. All documents relating to the investigation, reporting or other response(s) by any Scouting entity to reports of sexual contact by SCOUTMASTER with any Boy Scout.
6. All communications with BSA, NCACBSA, BOY SCOUTS RHODE ISLAND COUNCIL, or any Scouting entity or its/their attorneys

(unless privileged) relating to SCOUTMASTER, the Plaintiff in this case or Boy Scouts in Rhode Island or any other area who allegedly were molested by Mr. Bittenbender.

7. All documents relating to any corrective action taken or to be taken relating to the response (or non-response) of any person in Scouting to alleged sexual contact by SCOUTMASTER with any Boy Scout.

8. All documents relating to pedophiles (or persons having sexual contact with Boy Scouts) within Boy Scouting at any time during the years 1975 through 1984.

9. All documents in effect or in your possession at any time during the years 1975 through the present regarding the training or education of persons in Scouting regarding investigation and/or reporting of unfit Scout leaders.

10. All documents relating to the role, function, participation or involvement of Mr. David Park, Mr. Joseph Anglim, Mr. Paul Ernst, the "Review Committee" or any person relating to BSA's confidential files at any time during the years 1975 through 1984.

11. A copy of each transcript of deposition or trial testimony of Mr. Paul Ernst, Mr. David Park, Mr. Joseph Anglim, Mr. Ben Love, Mr. James Tarr, Mr. Joseph Merton, or any agent or employee of BSA relating to alleged sexual abuse of a boy scout or alleged liability of any Scouting entity for alleged sexual abuse of a boy scout.

SMITH, SOMERVILLE & CASE

Attorneys At Law

Baltimore, Maryland 21202

Telecopier Cover Sheet

DATE 8-17-88

TIME _____

FILE NO. 08944-18262

TELECOPIER OPERATOR Karen Hennigan

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET) 11

PLEASE DELIVER TO

NAME Paul Ernst

ADDRESS BSA

[REDACTED]

Irving TX

TELEPHONE NO. [REDACTED]

TELECOPIER NO. [REDACTED]

FROM

NAME [REDACTED]

COMMENTS [REDACTED]

PLEASE NOTE OUR TELECOPIER DIRECT DIAL NO. IS (301-347-9572)
301-385-8060

SMITH, SOMERVILLE & CASE

ATTORNEYS AT LAW

100 LIGHT STREET

BALTIMORE, MARYLAND 21202-1084

TELEPHONE (301) 727-1164

CABLE ADDRESS "CLARKLAW" - TELEX 908068

PANAFAX DIRECT DIAL: (301) 347-8572

ANNAPOLIS OFFICE

7 KING CHARLES PLACE, ANNAPOLIS, MARYLAND 21401-2828

TELEPHONE (301) 289-1164, 287-9712

PANAFAX DIRECT DIAL: (301) 289-7608

TOWSON OFFICE

40 WEST CHESAPEAKE AVENUE

LAFAYETTE BUILDING, SUITE 100

TOWSON, MARYLAND 21204-4828

TELEPHONE (301) 883-6343

MICHAEL J. BAXTER
MICHAEL J. JACK
JANNY B. O'CONNOR
PATI GILMAN WEST
JEFFREY C. HERWIG
RALPH L. ARNSDOOP
RAYMOND G. MULLADY, JR.
STEVEN G. HULL
CHRISTOPHER J. HEFFERNAN
WILLIAM A. VAN WAMBEKE
NEORAH K. SOBIESKI
PATRICIA MCHUGH LAMBERT
CLEMENT D. ERHARDT III
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D. SUZANNE BALOWNT
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A. DEAN STOCKDALE
HELANIE L. STEVENS
J. RICHARD SAAS
JEFFREY Y. LAYNOR
LOUISE MCB. SHOENAKER
M. CRAIG WOLF
LESLIE R. CONEN
HELENA M. CLARK

*ALSO MEMBER OF DISTRICT OF COLUMBIA BAR
MEMBER OF NORTH CAROLINA BAR ONLY

JEFFREY B. SMITH
GLENN C. PARKER
JERRY M. ROULHAC
ROBERT E. POWELL
ROBERT E. CADOGAN
ROBERT J. CARSON
THEODORE B. CORNELATT
DOUGLAS D. WOKRALL
BARBARA ANN SPICER
JOHN G. PRENDERGAST, JR.
AND BIELAWSKI
JERRY BACH
KENNETH C. LUNDEEN
HOWARD G. GOLDBERG
GARY P. FLORENCE
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RONALD O. DAWSON
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DONALD J. MCCARTNEY
DOUGLAS S. SCHOTTINGER
JOHN R. PENNALLESON
JOHN J. BOYD, JR.

JAMES C. BAKER, JR.
JEFFREY J. PLUM
PATRICK M. PIKE
HARRI T. MIXTER
STEPHEN R. LOHMAN
LESLIE J. FOLT

SENIOR COUNSEL

PHILLIPS L. GOLDSBOROUGH III
ALFRED W. BORTH
M. KING HILL, JR.
JOHN M. BOLGIAN

OF COUNSEL

MARJORIE S. HOLT

CLAYTON W. SMITH

(1901-1980)

WM. S. SOMERVILLE

(1918-1988)

RICHARD W. CASE

(1918-1984)

August 17, 1988

Mr. Paul Ernst
Boy Scouts of America
1325 Walnut Hill Drive
P.O. Box 152079
Irving, TX 75015-2079

RE: Infant C vs. BSA, et al
Our File NO. 08948-18262

Dear Paul:

Enclosed please find revised notice to take your deposition which we recently received. We are not certain that the deposition will be taken on August 29, 1988, as the notice says, because several depositions have been scheduled for that same time.

I would appreciate it if you could turn to page five of the notice where the plaintiff's lawyer lists certain documents that he wishes you to bring with him. I am confident that we have provided him with all of the information to which he is entitled in this case from BSA, however, I would appreciate it if you could look at the list of documents to be produced, numbering one through eleven, and give me a call to let me know if you have any of these other documents so that we can make a determination with respect to whether we will be able to produce any such documents at the deposition.

Mr. Paul Ernst
Boy Scouts of America
August 17, 1988
Page 2

I look forward to hearing from you. My direct dial
number is [REDACTED]. Thank you.

Very truly yours,

Susan Martielli
Susan Martielli Carrier

SMC/jpb
via: Panafax

Enclosure

cc: Ms. Debra Duhs/BSA
Frank Lane, Esquire

V I R G I N I A :

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

INFANT C

Plaintiff,

v.

BSA, et al.,

Defendants.

AT LAW NO. 30192

Handwritten:
- [Signature]
P.D. Duda
2-11-93
[Signature]

- TO:
1. PAUL ERNST, Director of Registration,
Subscription & Statistical Service
Boy Scouts of America
c/o Mr. Peter D. Greenspun, Esquire
Counsel for BSA
 2. All Counsel

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that Plaintiff, by counsel, will take the deposition of the following person on the date and at the time and place indicated below, for use as discovery or evidence at trial, or both, pursuant to the Rules of the Supreme Court of Virginia, before an officer authorized to administer oaths. The person will produce the documents identified on the attached "DOCUMENTS TO BE PRODUCED..." at the same time and place.

1. PERSON:
Paul Ernst
Director of Registration, Subscription
& Statistical Service
Boy Scouts of America

LAW OFFICES OF
DOUGLAS B. WESSEL
CORNWELL LIT. LAWYER
100 LONG BOWMAN HOUSE
100 LONG BOWMAN DRIVE
STONERIDGE, VA 22066
703-589-4003

CONF024439

2. LOCATION OF DEPOSITION/PRODUCTION:

Law Offices of Douglas B. Wessel
11713 Bowman Green Drive
Reston, Virginia 22090

3. DATE AND TIME OF DEPOSITION/PRODUCTION:

July 14, 1988, at 10:30 a.m.

The deposition shall commence at the stated time, or as soon thereafter as feasible, and shall continue from day to day until completed; the deposition is expected to require approximately five (5) days (July 14, 15, 18, 19 and 20). Testimony by Mr. Ernst shall commence at 9:00 a.m. on all days after July 14, 1988. Mr. Ernst is being produced pursuant to agreement of counsel before Judge Richard J. Jamborsky.

INFANT C

By Counsel

LAW OFFICES OF DOUGLAS B. WESSEL
[REDACTED]
Reston, Virginia 22090
[REDACTED]

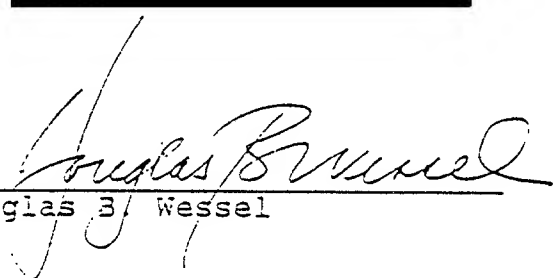
WILLIAM A. BARTON, ESQ.
[REDACTED]
Newport, Oregon 97365
[REDACTED]

By: *Douglas B. Wessel*
Douglas B. Wessel

By: *William A. Barton*
William A. Barton *by BBW*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Notice of Deposition and attachment(s) were on this 2nd day of July, 1988: mailed to Barry Bach, Esquire, [REDACTED] Baltimore, Maryland 21202; hand-delivered to Peter D. Greenspun, Esquire, [REDACTED] [REDACTED] Fairfax, Virginia 22030; hand-delivered to Mark Yeager, Esquire, [REDACTED] [REDACTED] Fairfax, Virginia 22030; and mailed to Paul Ernst, Director of Registration, Subscription & Statistical Service, Boy Scouts of America, [REDACTED] Irving, Texas 75062.



Douglas B. Wessel

DOCUMENTS TO BE PRODUCED BY PAUL ERNST,
DIRECTOR OF REGISTRATION, SUBSCRIPTION & STATISTICAL SERVICE,
OF BOY SCOUTS OF AMERICA

Mr. Paul Ernst shall produce and shall be able to authenticate the following documents:

DEFINITIONS

Unless otherwise indicated, the terms used in this document are defined as follows:

1. "You" and "your" refers to Mr. Paul Ernst, Director of Registration, Subscription & Statistical Service, Boy Scouts of America, and the other persons referred to in paragraph A of the Instructions hereinbelow.

2. "Document" includes, but is not limited to, any written, printed, typed, recorded, filmed, punched, transcribed, taped or other graphic matter of any kind or nature however produced or reproduced, whether sent or received or neither, including the original, draft, copies and non-identical copies bearing notations or marks not found on the original, and including, but not limited to Scouting badges, hat patches, awards or physical objects, all the correspondence, records, drawings or blueprints, calculations, memoranda, reports, financial statements, handwritten telegrams, cables, telex messages, tabulations, studies, analyses, evaluations, projections, work appointment books, diaries, lists, comparisons, questionnaires, surveys, charts, graphs, books, pamphlets, articles, magazines,

newspapers, booklets, microfilms, microfiche, phonographs, tapes or other recordings, punched cards, magnetic tapes, discs, data cells, drums, print-outs (including IBM or similar cards for information, data or programs), computer generated reports and print-outs, other data compilations from which information can be obtained, and any other documents defined in the Rules of Court of your jurisdiction which are in your custody, possession, and/or control or to which you otherwise have access.

3. A document "relating," "related," "that relates" to any given subject matter, means any document that constitutes, pertains to, or in any way directly or indirectly bears upon or deals with that subject, including, without limitation, documents concerning the preparation of documents.

4. "Possession," "Custody" or "Control": Each request contained herein extends to any documents in your possession, custody or control, actual and constructive. The document is deemed to be in your possession, custody or control if it is in your physical custody or if it is in the physical custody of any other person and you (a) own such documents in whole or in part; (b) have a right by contract, statute or otherwise, to use, inspect, examine or copy such document; (c) have any understanding, express or implied, that you may use, inspect, examine or copy such document; or (d) have, as a practical matter, been able to use, inspect, examine or copy such document when you sought to do so.

5. "Custodian[s]," when used with reference to a document or thing, means the person(s) who has (have) possession, custody, or control of the document or thing.

6. "Person[s]" means any natural person, charitable organization, firm, corporation, partnership, association, joint venture, governmental agency, or any other form of business or non-business entity and any legal entity.

7. "SCOUTMASTER" means Carlton L. Bittenbender.

8. "BOY SCOUTS NATIONAL COUNCIL" or "NCACBSA" means the Defendant National Capital Area Council, Boy Scouts of America, its attorneys, present and former officials, present and former executives, present and former employees, present and former agents, and all other persons presently or previously acting or purporting to act on its behalf, any parent, predecessor or successor, or affiliate thereof, any corporate predecessor or successor thereof as appropriate in the context.

9. "BOY SCOUTS OF AMERICA" or "BSA" means the Defendant Boy Scouts of America, its attorneys, present and former officials, present and former executives, present and former employees, present and former agents, and all other persons presently or previously acting or purporting to act on its behalf, any parent, predecessor or successor, or affiliate thereof, any corporate predecessor or successor thereof as appropriate in the context.

10. "BOY SCOUTS RHODE ISLAND COUNCIL" means the Narragansett Council, Boy Scouts of America, and the Scouting Districts

within the Council, and the Council's attorneys, present and former officials, present and former executives, present and former employees, present and former agents, and all other persons presently or previously acting or purporting to act on its behalf, any parent, predecessor or successor, or affiliate thereof, any corporate predecessor or successor thereof as appropriate in the context.

11. The singular shall be deemed to include the plural, the masculine to include the feminine, and vice versa.

12. "Sexual Contact" or "sexual contact" shall mean any physical contact between two persons involving kissing, fondling or touching of the lips, genital area, anus or buttocks, or of clothing covering same, masturbation of the genitals, anal sex of any kind (including digital penetration), oral sex of any kind (including oral contact with the penis), nakedness involving close physical proximity (without clothing or covering of the male genitals) or the taking of any pictures or films of the male genitals.

INSTRUCTIONS

Unless otherwise indicated, the following instructions apply to this Request for Production:

A. Documents to be produced include documents described herein that are in the possession, custody, or control of you, your agents, employees, servants, representatives, persons or entities taking actions or acting on your behalf and, unless privileged, your attorney(s).

B. If any document request calls for the production of documents which you claim to be privileged, in lieu of production, state:

- (1) The reason for withholding it;
- (2) The author of the document;
- (3) Each individual or other person to whom the document indicates the original or a copy has been sent;
- (4) The date of the document; and
- (5) The general subject of the document.

DOCUMENTS TO BE PRODUCED

1. All documents produced by you or on your behalf in this litigation.

2. All documents relating to the development, management, maintenance and application of BSA's information systems (including BSA's computer system and Confidential Files relating to sexual abuse of Boy Scouts or reporting of unfit Scout leaders) for selection, retention or approval of Scout leaders, or for tracking unfit leaders, for the period January 1, 1975, through January 1, 1985.

3. All documents related to the duties, responsibilities, proper operation or proper management of the BOY SCOUTS OF AMERICA Department of Registration, Subscription and Statistical Service, for the period January 1, 1975, through January 1, 1985.

4. All documents relating to Carlton L. Bittenbender, the Plaintiff in this case or Boy Scouts in Rhode Island allegedly molested by Mr. Bittenbender.

5. All documents relating to the investigation, reporting or other response(s) by any Scouting entity to reports of sexual contact by SCOUTMASTER with any Boy Scout.

6. All communications with BSA, NCACBSA, BOY SCOUTS RHODE ISLAND COUNCIL or its/their attorneys (unless privileged) relating to SCOUTMASTER, the Plaintiff in this case or Boy Scouts in Rhode Island allegedly molested by Mr. Bittenbender.

7. All documents relating to any corrective action taken or to be taken relating to the response (or non-response) of any person in Scouting to alleged sexual contact by SCOUTMASTER with any Boy Scout.

8. All documents relating to pedophiles (or persons having sexual contact with Boy Scouts) within Boy Scouting.

9. All documents in effect or in your possession at any time during the years 1975 through the present regarding the training or education of persons in Scouting regarding investigation and/or reporting of unfit Scout leaders.

INITIALS/ENDORSE

VIRGINIA :

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

INFANT C

Plaintiff,

v.

BSA, et al.,

Defendants.

AT LAW NO. 80192

- TO:
1. CUSTODIAN(S) OF THE RECORDS of BOY SCOUTS OF AMERICA
1325 Walnut Hill Lane
Irving, Texas 75062
c/o Peter D. Greenspun, Esquire
Counsel for BSA
 2. All Counsel

RECEIVED
JUL 7 1996
JL

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that Plaintiff, by counsel, will take the deposition of the following person(s) on the date and at the time and place indicated below, for use as discovery or evidence at trial, or both, pursuant to the Rules of the Supreme Court of Virginia, before an officer authorized to administer oaths. The person(s) designated as said Custodian(s) shall produce and shall be able to authenticate the documents identified on the attached "DOCUMENTS TO BE PRODUCED...", at the same time and place.

LAW OFFICES OF
THOMAS S. WESSON
ATTORNEY AT LAW
1000 COMMONWEALTH BLVD
SUITE 2000
ALEXANDRIA, VA 22304
703 699-4000

RISK MANAGEMENT
JUL 10 1996

1. PERSON(S):

Custodian(s) of the Records (those records identified on the attached "DOCUMENTS TO BE PRODUCED...") of Boy Scouts of America

2. LOCATION OF DEPOSITION/PRODUCTION:

Law Offices of Douglas B. Wessel

Reston, Virginia 22090

3. DATE AND TIME OF DEPOSITION/PRODUCTION:

July 14, 1988, at 9:00 a.m.

The deposition shall commence at the stated time, or as soon thereafter as feasible, and shall continue from day to day until completed.

INFANT C

By Counsel

By:

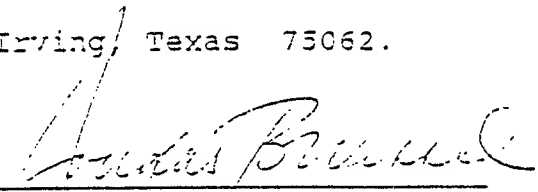
Douglas B. Wessel

By:

William A. Barton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Notice of Deposition and attachment(s) were on this 2nd day of July, 1988: mailed to Barry Bach, Esquire, 100 Light Street, Baltimore, Maryland 21202; hand-delivered to Peter D. Greenspun, Esquire, [REDACTED] Fairfax, Virginia 22030; hand-delivered to Mark Yeager, Esquire, [REDACTED] [REDACTED] Fairfax, Virginia 22030; and mailed to Custodian(s) of the Records (those records identified on the attached "DOCUMENTS TO BE PRODUCED...") of Boy Scouts of America, 1325 Walnut Hill Lane, Irving, Texas 75062.



Douglas B. Wessel

RISK MANAGEMENT

JUL 03 1988

DOCUMENTS TO BE PRODUCED BY CUSTODIAN(S)
OF THE RECORDS OF
BOY SCOUTS OF AMERICA

The Custodian(s) of the Records (those records identified on the following "DOCUMENTS TO BE PRODUCED...") of Boy Scouts of America shall produce and shall be able to authenticate the following documents:

DEFINITIONS

Unless otherwise indicated, the terms used in this document are defined as follows:

1. "You" and "your" refers to the Custodian(s) of the Records of Boy Scouts of America, and the other persons referred to in paragraph A of the Instructions hereinbelow.

2. "Document" includes, but is not limited to, any written, printed, typed, recorded, filmed, punched, transcribed, taped or other graphic matter of any kind or nature however produced or reproduced, whether sent or received or neither, including the original, draft, copies and non-identical copies bearing notations or marks not found on the original, and including, but not limited to Scouting badges, hat patches, awards or physical objects, all the correspondence, records, drawings or blueprints, calculations, memoranda, reports, financial statements, handwritten telegrams, cables, telex messages, tabulations, studies, analyses, evaluations, projections, work appointment books, diaries, lists, comparisons, questionnaires, surveys, charts, graphs, books, pamphlets, articles, magazines,

RISK MANAGEMENT

JUL 03 1998

newspapers, booklets, microfilms, microfiche, phonographs, tapes or other recordings, punched cards, magnetic tapes, discs, data cells, drums, print-outs (including IBM or similar cards for information, data or programs), computer generated reports and print-outs, other data compilations from which information can be obtained, and any other documents defined in the Rules of Court of your jurisdiction which are in your custody, possession, and/or control or to which you otherwise have access.

3. A document "relating," "related," "that relates" to any given subject matter, means any document that constitutes, pertains to, or in any way directly or indirectly bears upon or deals with that subject, including, without limitation, documents concerning the preparation of documents.

4. "Possession," "Custody" or "Control": Each request contained herein extends to any documents in your possession, custody or control, actual and constructive. The document is deemed to be in your possession, custody or control if it is in your physical custody or if it is in the physical custody of any other person and you (a) own such documents in whole or in part; (b) have a right by contract, statute or otherwise, to use, inspect, examine or copy such document; (c) have any understanding, express or implied, that you may use, inspect, examine or copy such document; or (d) have, as a practical matter, been able to use, inspect, examine or copy such document when you sought to do so.

RISK MANAGEMENT

JUL 03 '93

5. "Custodian[s]," when used with reference to a document or thing, means the person(s) who has (have) possession, custody, or control of the document or thing.

6. "Person[s]" means any natural person, charitable organization, firm, corporation, partnership, association, joint venture, governmental agency, or any other form of business or non-business entity and any legal entity.

7. "SCOUTMASTER" means Carlton L. Bittenbender.

8. "BOY SCOUTS NATIONAL COUNCIL" or "NCACBSA" means the Defendant National Capital Area Council, Boy Scouts of America, its attorneys, present and former officials, present and former executives, present and former employees, present and former agents, and all other persons presently or previously acting or purporting to act on its behalf, any parent, predecessor or successor, or affiliate thereof, any corporate predecessor or successor thereof as appropriate in the context.

9. "BOY SCOUTS OF AMERICA" or "BSA" means the Defendant Boy Scouts of America, its attorneys, present and former officials, present and former executives, present and former employees, present and former agents, and all other persons presently or previously acting or purporting to act on its behalf, any parent, predecessor or successor, or affiliate thereof, any corporate predecessor or successor thereof as appropriate in the context.

10. "BOY SCOUTS RHODE ISLAND COUNCIL" means the Narragansett Council, Boy Scouts of America, and the Scouting Districts

within the Council, and the Council's attorneys, present and former officials, present and former executives, present and former employees, present and former agents, and all other persons presently or previously acting or purporting to act on its behalf, any parent, predecessor or successor, or affiliate thereof, any corporate predecessor or successor thereof as appropriate in the context.

11. The singular shall be deemed to include the plural, the masculine to include the feminine, and vice versa.

12. "Sexual Contact" or "sexual contact" shall mean any physical contact between two persons involving kissing, fondling or touching of the lips, genital area, anus or buttocks, or of clothing covering same, masturbation of the genitals, anal sex of any kind (including digital penetration), oral sex of any kind (including oral contact with the penis), nakedness involving close physical proximity (without clothing or covering of the male genitals) or the taking of any pictures or films of the male genitals.

INSTRUCTIONS

Unless otherwise indicated, the following instructions apply to this Request for Production:

A. Documents to be produced include documents described herein that are in the possession, custody, or control of you, your agents, employees, servants, representatives, persons or entities taking actions or acting on your behalf and, unless privileged, your attorney(s).

ISK MANAGEMENT

JUL 6 1993

B. If any document request calls for the production of documents which you claim to be privileged, in lieu of production, state:

- (1) The reason for withholding it;
- (2) The author of the document;
- (3) Each individual or other person to whom the document indicates the original or a copy has been sent;
- (4) The date of the document; and
- (5) The general subject of the document.

DOCUMENTS TO BE PRODUCED

1. All documents produced by or on behalf of BOY SCOUTS OF AMERICA or its counsel in this litigation.

2. All documents relating to the development, management, maintenance and application of BSA's (including NCACBSA and RHODE ISLAND BOY SCOUTS COUNCIL and their agents and employees) information systems (including BSA's computer system and Confidential Files relating to sexual abuse of Boy Scouts or reporting of unfit Scout leaders) for selection and retention of Scout leaders or for tracking unfit leaders, for the period January 1, 1975, through January 1, 1985.

3. All documents related to the duties, responsibilities, proper operation or proper management of the BOY SCOUTS OF AMERICA Department of Registration, Subscription and Statistical Service, for the period January 1, 1975, through January 1, 1985.

RICK MANAGEMENT

JUL 9 1985

COUNCIL HAVE NAT'L CAPITAL AREA COUNCIL NO. 92 *****

SCOUT EXECUTIVE X _____

TRANS RECEIVED
REGISTRATION

UNIT NO. 11-01

READY FOR FILE

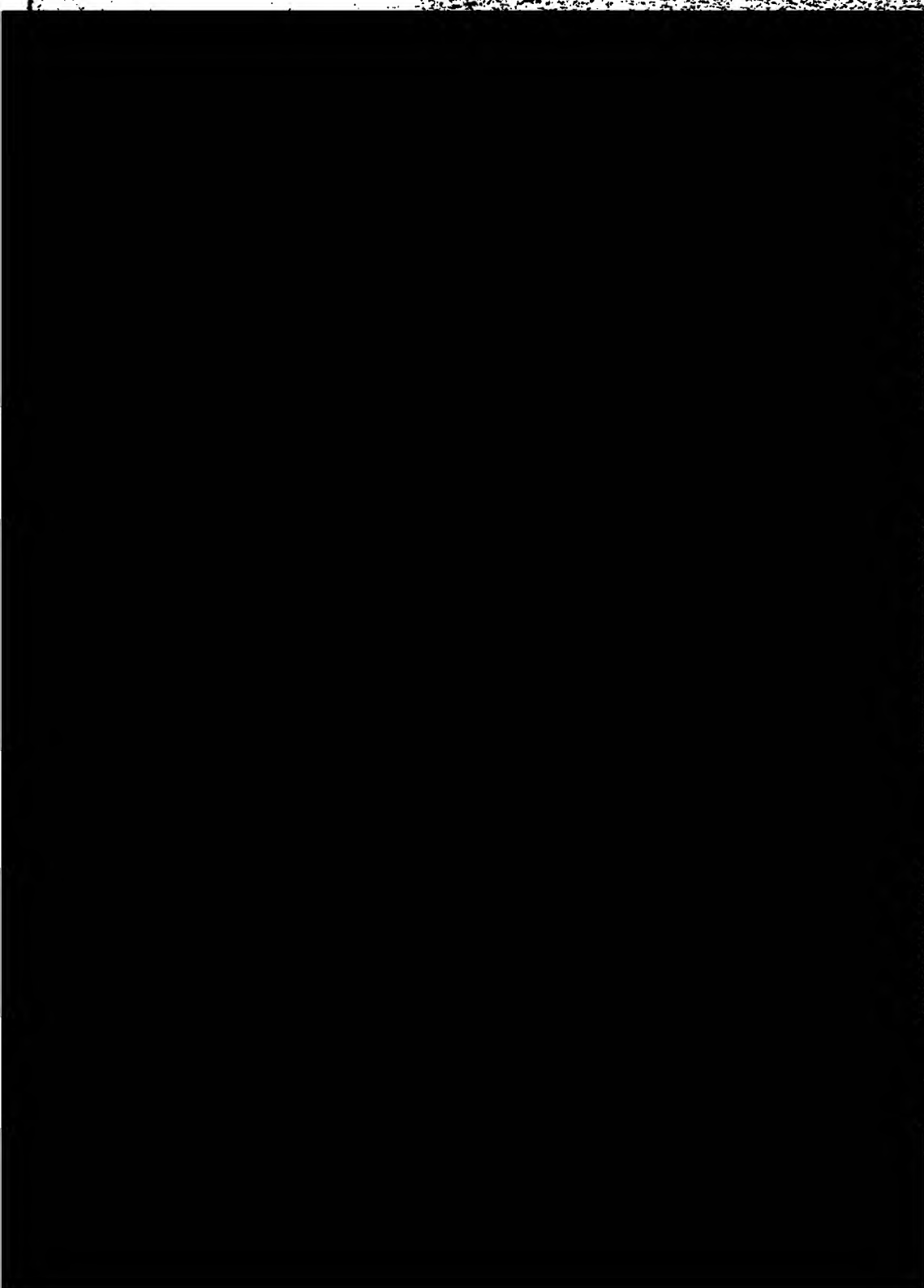
NOV 14 1984

NOV 20 '84

FEES RECEIVED

CHECK IF YOU NEED BLANK CERTIFICATES ~~THERESA JACKSON~~ *****

UNIT TYPE	NAT'L UNIT #	LOCAL UNIT #	NBR. CERT.	MEMBER FEES	LDR. CERT.	LEADER FEES	BOYS' FEES	LIFE FEES	TOTAL AMT/TRNS
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DATE 11/01/94

TRANSMITTAL OF REGISTRATIONS AND SUBSCRIPTIONS

PAGE 5

UNIT	NAT'L UNIT #	LOCAL UNIT #	MR. CERT.	MEMBER FEES	LDR. CERT.	LEADER FEES	BOYS' #	LIFE FEES	TOTAL AMT/TROOP
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TROOP	1970	1970				2.00			2.00
TROOP	1983	1983	2	1.00	4	8.00	1		9.00
TROOP	1988	1988	3	1.50			1		1.50
PACK	3687	0687	4	4.00	2	4.00	4	7.20	15.20
PACK	3700	0700	5	5.00			2	3.60	8.60
PACK	3703	703	24	36.00	16	40.00	16	43.20	119.20
PACK	3713	0713	6	6.00	1	2.00	5	9.00	17.00
PACK	3716	0716	6	6.00			6	10.80	16.80
PACK	3729	0729	17	17.00	3	6.00	17	30.60	53.60
PACK	3730	0730	11	10.50			9	10.80	21.30
PACK	3740	0740	6	6.00	5	10.00	5	9.00	25.00
PACK	3746	0746	4	4.00	1	2.00	4	7.20	13.20
PACK	3747	0747	4	4.00	3	6.00	1	1.80	11.80
PACK	3763	0763	8	8.00	7	14.00	8	14.40	36.40
PACK	3842	842	4	6.00	6	10.00	1	2.70	18.70
PACK	3846	0846	23	40.25	2	6.00	14	44.10	90.35
PACK	3847	0847	5	8.75	2	6.00	6	18.70	33.45
PACK	3848	0848	2	2.50	4	10.00			12.50
PACK	3853	0853	13	13.00	2	4.00	9	16.20	35.20
PACK	3856	0856	10	10.00			7	12.60	22.60
PACK	3858	0858	7	7.00	2	4.00	7	12.60	23.60
PACK	3861	0861	11	11.00			7	12.60	23.60
PACK	3863	0863	20	20.00			1	1.80	21.80
PACK	3867	0867	9	9.00	3	6.00	9	16.20	34.20
PACK	3868	0868	4	4.00					4.00

276.50

148.00

18.00

669.80

ENROLLMENT REPORT

REG.	CNCL NO.	C NO.	NATL UNIT NO.	LOCAL UNIT NO.	REG. TERM	EXP. DATE
1	82	4	1970	1970	4	12/8

REGISTRATION AND BOYS' LIFE FEES

BOYS' LIFE

_____ Youth Mems.
 _____ Youth Mors.
7 Leaders 2.00
 _____ Boys' Life
 _____ Total 2.00

Term _____ First issue _____ Last issue _____
 months months year months year

REGISTERING A TOP UNIT LEADER

Trained ☐ Not Trained ☐

Receipt No. _____ Date _____
 (For Local Council Use)

COUNCIL NAME IF SUBMITTING COUNCIL ON DISTRICT SCOUTERS

Transmittal - 11-01 - 1984

Check all individual applications for approval
 with this form on top. For council use only.
 Submit one report for each district.

20-412

BOY SCOUTS OF AMERICA

CALIF

P H O N E M E M O	TO	DP ¹⁻²⁷ Cave DP	DATE	7-24	TIME	10 ⁴⁰	AM PM
	[REDACTED]						
	OF	SE, PROV R. J.	[REDACTED]				
	M E S S A G E	Re activities of a Carl Bittenbender. Had talked to Debra Duh's Thru, who has no record on him. He's involved in molesting etc, jailed now Powell has been hearing					
		SIGNED <u>[Signature]</u>					
PHONED <input checked="" type="checkbox"/> CALL BACK <input checked="" type="checkbox"/>		RETURNED CALL <input type="checkbox"/>		WANTS TO SEE YOU <input type="checkbox"/>		WILL CALL AGAIN <input type="checkbox"/>	
		WAS IN <input type="checkbox"/>		URGENT <input type="checkbox"/>			

Carl Bittenbender



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
DEPARTMENT OF SOCIAL SERVICES
4041 University Drive
Fairfax, Virginia 22030



(703) 385-8883

November 13, 1985

RECEIVED

NOV 21 1985

FAIRFAX PARK

Mr. Ben H. Love
Chief Scout Executive
Boy Scouts of America, Inc.
1325 Walnut Hill Lane
Irving, Texas 75038-3096

Re: Carlton L. Bittenbender

Dear Mr. Love:

On August 20, 1985 and September 10, 1985, the Child Protective Services Unit of the Fairfax County Department of Social Services accepted referrals of suspected sexual abuse of four boys by the scoutmaster at Boy Scout Troop #1970, Reston, Virginia. Carlton L. Bittenbender was alleged to have sodomized, fondled, masturbated, and proposed anal intercourse to four minor children, three of whom were members of the scout troop, and one who was a younger brother of a scout member.

Cooperative investigations ensued between Child Protective Services and the Fairfax County Police Department. One scout troop member indicated that on numerous occasions (as many as fifteen), Mr. Bittenbender masturbated him, performed oral sex on him, had him perform oral sex on Mr. Bittenbender, and proposed to engage in anal intercourse with the child while at Mr. Bittenbender's home and on scout camping and canoe trips. Another scout troop member confirmed that Mr. Bittenbender had fondled his penis on three occasions, once while on a camping trip with the scout troop, once while at Mr. Bittenbender's home, and once while Mr. Bittenbender was driving him home from a scouting activity. A third scout troop member related one incident of fondling of his penis while at a scout troop meeting at the United Christian Parish Troop. A fourth victim, the younger brother of a scout troop member, told of two incidents of fondling of his penis by Mr. Bittenbender while in his employ at Mr. Bittenbender's home.

Mr. Bittenbender has a previous history of pedophilia behavior as well. In 1981, Mr. Bittenbender pled guilty to four counts of second degree sexual battery of three scout troop members, ages 12, 13, and 14, of Scout Troop #8 in Barrington, Rhode Island.

Mr. Bittenbender was arrested in Fairfax County, Virginia on four counts of aggravated sexual battery and one count of oral sodomy. He recently pled guilty to all of these charges.

In the spring months of 1985, it is my understanding that Mr. Bittenbender admitted

CONF024460

Continued - Page 2
November 13, 1985

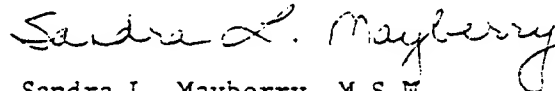
Re: Carlton L. Bittenbender

to four parents of Scout Troop #1970 having been involved sexually with a seventeen year old scout troop member and was at that time dismissed as scoutmaster. This activity, however, was never reported to the local police or social service authorities.

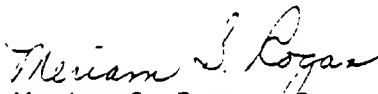
It is the conclusion of the local Department of Social Services that the referrals received by our Agency constitute founded cases of child sexual abuse. In light of the above information, it is our strong recommendation that the Boy Scouts of America institute a policy for local and regional associations which would provide guidelines in dealing with reported cases of child sexual abuse. It is also our strong recommendation that Mr. Carlton L. Bittenbender, as well as any other ex-scoutmasters who may be sex offenders, be tracked nationwide by your organization, so that a situation of this nature be prevented in the future. This is imperative in the event that Mr. Bittenbender might not be incarcerated.

I will look for a prompt reply from your organization; our Agency would be glad to assist you in your efforts to formulate any such policy, guidelines, and tracking system.

Sincerely,



Sandra L. Mayberry, M.S.W.
Child Protective Services



Meriam S. Rogan, Supervisor
Child Protective Services

cc: Mr. Paul R. Davis

SLM/MSR/sks

CONF024461



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
DEPARTMENT OF SOCIAL SERVICES
4041 University Drive
Fairfax, Virginia 22030



November 13, 1985

RECEIVED

NOV 21 1985

DAVID K. PARK

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Chief Scout Executive
Boy Scouts of America, Inc.
1325 Walnut Hill Lane
Irving, Texas 75038-3096

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CONF024462

Continued - Page 2
November 13, 1985

Re: Carlton L. Bittenbender

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Sincerely,

Sandra L. Mayberry

Sandra L. Mayberry, M.S.W.
Child Protective Services

Meriam S. Rogan
Meriam S. Rogan, Supervisor
Child Protective Services

cc: Mr. Paul R. Davis

SLM/MSR/sks

CONF024463

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
DEPARTMENT OF SOCIAL SERVICES
4041 University Drive
Fairfax, Virginia 22030



November 13, 1985

RECEIVED

NOV 21 1985

DAVID K. PARK

Mr. Ben H. Love
Chief Scout Executive
Boy Scouts of America, Inc.
1325 Walnut Hill Lane
Irving, Texas 75038-3096

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CONF024464

Continued - Page 2
November 13, 1985

Re: Carlton L. Bittenbender

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Sincerely,

Sandra L. Mayberry

Sandra L. Mayberry, M.S.W.
Child Protective Services

Meriam S. Rogan

Meriam S. Rogan, Supervisor
Child Protective Services

cc: Mr. Paul R. Davis

SLM/MSR/sks

LE 3
PRE BITTEN BENDER

[REDACTED]

WASE B-KELL CO 546

[REDACTED]

Now or TIAL IN

WASHINGTON AREA

NO PROB. TO FO
IN FIVE
315 6492

9-20-64
[Signature]



**National Capital Area Council
Boy Scouts of America**

9190 Wisconsin Avenue, Bethesda, Maryland 20814-3897 • 301 530-9360

82
Case
SA - P Case
B/ - 1-20-86

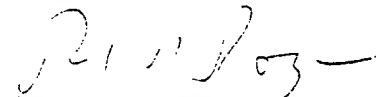
October 30, 1985

Mr. Paul Ernst:

Due to the evident attached, the National Capital Area Council, Boy Scouts of America recommends that Carlton L. Bittenbender is not to be permitted to continue his registration forever again with the Boy Scouts of America.

I have, personally, removed his name from our own registration file. Please note the date of his guilty plead was October 25, 1985.

Sincerely,


Richard N. Rogers
Director of Field Service

RNR/kp

Attachment



Serving the Youth of Washington, D.C., and Seventeen Surrounding Counties of Maryland and Virginia

Member Agency of United Way of the National Capital Area

United Givers Fund: Fredericksburg / Spotsylvania / Stafford • United Way of Frederick County, Inc. • United Way of Calvert County
Dahlgren United Givers Fund, Inc. • United Way of Culpeper, Inc. • Marine Corps Development and Education Command United Fund

F. STARON
NOV 4 1985

CONF024467

Ex-Scout Leader Pleads Guilty to Sex Charges

By Patricia Davis
Washington Post Staff Writer

A former Boy Scout leader pleaded guilty in Fairfax County Circuit Court yesterday to five counts of sodomy and aggravated sexual battery involving three members of his Reston troop.

Carlton L. Bittenbender, 41, formerly employed by the American Newspaper Publishers Association, said in a clear voice that he was guilty on each of the five felony counts. He faces a maximum sentence of life in prison plus 80 years, prosecutors said.

Judge J. Howe Brown Jr. set sentencing for Jan. 10, after Bittenbender has undergone evaluation and treatment at a special sexual-disorder clinic at Johns Hopkins Hospital at his own expense.

Assistant Commonwealth's Attorney Melinda S. Norton, who prosecuted the case, said she was pleased with the pleas. "I prefer to save the children from having to testify," she said.

Defense attorney Gregory D. Haight said that his client, who was convicted in Rhode Island on similar charges about four years ago, was in need of help because of "his disease." He described Bittenbender as a pedophile, an individual whose sexual preference is children.

"These kinds of people are generally upstanding citizens," Haight said. "If you could take away this problem, you would find a marvelous human being."

Bittenbender was placed on probation about four years ago in Barrington, R.I., where he was a scout leader, the lawyer said. Bittenbender had pleaded no contest to the charges there and was ordered to get psychiatric help, Haight said.

While it could not be learned yesterday if he remains under probation in Rhode Island, Haight said Bittenbender had received psychiatric help since his initial conviction.

Haight said the Johns Hopkins program, which uses the controversial drug Depo-Provera to change hormonal balance and lower sex drive, has had "remarkable success."

Former Scoutmaster Faces 3 More Counts of Sex Abuse

Reston Man Held on \$125,000 Bond

By Patricia Davis
Washington Post Staff Writer

A former Reston Boy Scout leader, being held on charges of aggravated sexual assault and sodomy, was charged yesterday with three additional counts of sex abuse to juveniles under the age of 13, Fairfax County police said.

Carlton L. Bittenbender, 41, of 11917 Winterthur La. in Reston has been held at the county detention center since his Aug. 22 arrest. His bond, including that for the latest charges, totals \$125,000.

Police spokesman Warren R. Carmichael said authorities had identified two more alleged victims since Bittenbender was taken into custody last month.

Bittenbender, formerly a manufacturers' representative, was unemployed at the time of his arrest, Carmichael said. The spokesman

said the charges brought yesterday were based on events that allegedly occurred on Jan. 27, Feb. 4 and Feb. 25.

Bittenbender was a leader of Boy Scout Troop 1970, sponsored by the United Christian Parish in Reston, for about 1½ years, according to the Rev. Douglas Ibach.

"He was a scoutmaster with our troop until last spring when he resigned," Ibach said. Ibach said he learned of the initial charges against Bittenbender from news accounts.

A search warrant for pedophilic material was executed at Bittenbender's apartment prior to his arrest but none was found, according to police.

Police said yesterday that the investigation is continuing. Bittenbender was arrested on similar charges in Rhode Island, according to a corrections official there.

29 TROPHY LANE
RESTON, VIRGINIA 22091

7 September 1985

Mr Richard N. Rogers
Director of Field Service
National Capital Area Council
Boy Scouts of America
9190 Wisconsin Avenue
Bethesda, MD 20814

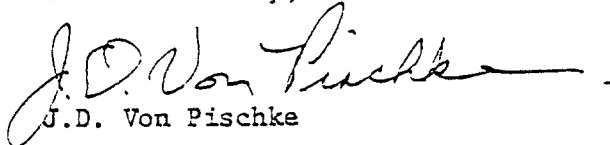
Dear Mr Rogers:

Enclosed are several copies of the letter to parents of Troop 1970 Scouts. Please share them with Bob Mercereau and Pete Gibeau. You are all invited to the parents meeting listed in the final paragraph. It will be held at the United Christian Parish Church on [REDACTED], at 7:30pm.

I very much appreciated your showing a draft of this letter to a lawyer who is retained by the Council. The draft is substantially identical to the first three paragraphs of my letter. The final paragraph responds to concerns expressed and initiatives undertaken by several Troop 1970 parents.

We look forward to Council representation at the parents meeting. Mr Machado, our District Commissioner, also plans to come.

Yours sincerely,


J.D. Von Pischke

cc: Mr Rob Wesson, Committee Chairman

CONF024470

[REDACTED]
Reston, VA 22091
5 September 1985

Dear Troop 1970 Parents:

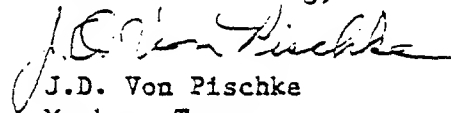
In the absence of the Committee Chairman I am writing to you about the situation that has arisen concerning our former Scoutmaster, Carl Bittenbender. As indicated in the local press, Carl has been arrested by Fairfax County authorities on charges of sexual assault and sodomy, and is presently in jail.

Mr Dan Gollhart of the Child Service Unit of the Criminal Investigation Division is working on the case for the County. He has already interviewed some Troop 1970 families in the course of his investigation.

Any Scouts involved in incidents such as those that led to Carl's arrest are obviously victims. It has come to my attention that children who are sexually molested often feel a sense of guilt, which is of course unwarranted and unnecessary and which may be a source of concern to them in the future. Parents who have not already done so may wish to consider discussing this matter with their son or sons in a neutral or reassuring manner to discover and deal with any anxieties of this type that may exist.

Detective Gollhart has been invited to the September 19 parents meeting to make a presentation on sexual abuse of children, highlighting the behavior patterns of children who are victims. His presentation is designed to assist parents in identifying cases of this type, and to recommend parental responses that could benefit the children concerned and also the community.

Yours in Scouting,


J.D. Von Fischke
Member, Troop
Committee

CONF024471

THURSDAY, AUGUST 20, 1968

The Reston Times

Reston Man Charged In Sexual Assault of Boy

By Thomas Gooding

A Reston man has been accused of sexually molesting a 13-year-old boy and possessing sexually explicit materials involving juveniles, according to Fairfax County police.

Police charged Carlton L. Bittenbender, 41, with aggravated sexual battery and sodomy. He is being held in Fairfax County Jail in lieu of two separate \$25,000 bonds.

Bittenbender, of 11917 Winderham Lane, was arrested Aug. 22, a month after the boy involved told police about the alleged incidents. Additional charges involving other victims may be filed pending further investigation, said police.

Police are releasing few details of the alleged incidents because it is a "silly situation," said police spokeswoman Officer Connie Carman. She said the boy lives in Reston, but would not

comment on the nature of his relationship with Bittenbender.

A search warrant was executed Aug. 22 for polyphasic materials in Bittenbender's apartment, but police found none.

According to an affidavit filed in support of the warrant, the youth told a police investigator that "Bittenbender, had on numerous occasions between January 1964 and November 1964, forced (the youth's) private parts. It is further related that during this time period, Carlton L. Bittenbender also engaged in oral sex (sodomy) with (the youth)."

In this case, the Times is not publishing the name of the victim due to his age and the circumstances involved.

The affidavit also alleges that Bittenbender took several Polaroid photographs of the youth without clothes on. The photographs were seen by (the youth) five years old.

Fairfax County police arrested a 41-year-old Reston man last Thursday afternoon on charges of aggravated sexual battery and sodomy.

Police said an investigation of incidents involving a 13-year-old boy led them to press charges against Carlton L. Bittenbender, 41, of 11917 Winderham Lane, according to police, the incidents occurred in 1964.

Bittenbender was taken to Fairfax Adult Detention Center where he is being held on \$25,000 bond.

... ..

Fairfax County Police are seeking juvenile petitions for two youths, ages 14 and 15, who are suspected of breaking into Harding Elementary School the weekend of Aug. 10-11. Damage to equipment and interior furnishings was estimated at between \$4,000 and \$5,000.

Reston district police station reported the following crimes for the week of Aug. 18-22:

- Seneca Road, Great Falls, 600 Block - Grand Larceny: Carburator and distributor stolen from Joe Lucy's Auto Body.
- Broomfield Lane, Reston, 1800 Block - Burglary: \$100 stolen from home.
- Lake Fairfax Drive, Reston, 12000 Block - Burglary: Video cassette recorder stolen from home.
- John Milton Drive, Fox Mill Estates, 2600 Block - Burglary: Bicycle taken from garage.
- Lawyers Road, Manassas Park, 12000 Block - Burglary: Fan, two doors and wheelchair stolen from a home.

Reston Man, 41, Held On Sex Charges

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1400 Block - Grand Larceny: Pocket camera, four houses, television, lamp, stereo and clock stolen from residence.

Valencia Way, Reston, 1600 Block - Burglary: Two handbags and jewelry box stolen from home.

Broomfield Lane, Reston, 1800 Block - Burglary: Stereo system stolen from home.

11800 Block - Burglary: Radio, two speakers, jack and tool box stolen from home.

Scandia Circle, Reston, 1600 Block - Burglary: Video cassette recorder, typewriter and stereo components stolen from home.

Shirley Way Drive, Reston, 11800 Block - Burglary: Camera, two gold bracelets, pearl earrings stolen from hotel room.

Hunting Horn Lane, Reston, 11000 Block - Grand Larceny: Watch and assorted jewelry stolen from residence.

Glade Drive, Reston, 12000 Block - Burglary: Video cassette recorder stolen from home.

John Milton Drive, Fox Mill Estates, 2600 Block - Burglary: Bicycle taken from garage.

Lawyers Road, Manassas Park, 12000 Block - Burglary: Fan, two doors and wheelchair stolen from a home.

Abuse suspect was scout leader

Arrested man has prior history of sex charges

By LINDA LANTOR

Journal staff writer

A former Reston Boy Scout troop leader was charged by Fairfax County police last week with sexually molesting a 13-year-old boy.

The man, Carlton L. Bittenbender, 41, pleaded no contest in Rhode Island in 1981 to four counts of second degree sexual assault involving young boys, according to a clerk in the criminal division of the Providence, R.I., County Superior Court. Bittenbender is on parole from the Rhode Island charges.

Bittenbender, whose Reston address is 11917 Winterthur Lane, was charged last Thursday with aggravated sexual battery and sodomy and is being held in Fairfax County jail in lieu of \$25,000 bond on each count, police said.

A request for bond reduction was denied Monday at a hearing in juvenile court, said a juvenile court official. Bittenbender's attorney could not be located.

Fairfax County police spokesman Warren R. Carmichael refused to say whether the victim Bittenbender is suspected of assaulting a member of the Reston scout troop. Carmichael said that "several" other juveniles are believed to have been involved with Bittenbender and that the investigation is continuing.

Bittenbender is a field representative, possibly for a publishing company, said Carmichael. It is not known when he moved here.

In November 1981, Bittenbender, who then lived in the upper middle class Providence suburb of Barrington, pleaded no contest to the charges and was sentenced to five years in prison on each count with all

time suspended, said the Providence court clerk.

Bittenbender received five years probation on each count to run concurrently, said the clerk. Other conditions of probation were that Bittenbender receive psychiatric treatment during the time of probation and that he have no contact with any of his victims, she said.

Joe Dubee, a spokesman for the Bethesda, Md.-based Boy Scouts of America council that governs the approximately 1,500 clubs in the Washington area, said Bittenbender will not be allowed to be a boy scout master again.

Scout leaders are selected by a local group, such as a fire department, church or parent-teacher association, which sponsors the club, said Dubee.

The United Christian Parish in Reston is listed as the sponsor of scout unit 1970. Bittenbender led the troop for "not more than about a year" before he resigned, said council spokesman Richard Rogers. No one at the church could be reached for comment.

Rogers said Bittenbender resigned as scout master three months ago because "he and the committee agreed he would no longer be scout master." He said he did not know why they reached that agreement.

Whether sponsoring groups can legally check to see if volunteers have criminal backgrounds is "by no means clear," said Fairfax Commonwealth Attorney Robert F. Horan Jr.

While Virginia law provides for school systems to run checks on teachers and some other occupations, it does not specifically address the question of club leaders, said Horan.

Horan said that he believes the law should allow for criminal background checks "for anybody who works with kids."

Staff writer Dan Beyers also contributed to this story.

Paul Bittenbender - T 3 Barrington

Asst. Scoutmaster - 5/12/77 to 11/30/78

Scoutmaster - 11-30-78 to 11/30/81 S - S1

Let
7-11-93
J. Hunt

Asst. 5/12/77
11/30/78

Sr 11/30/78 - 11/30/81

TROOP #3 BARRINGTON

December 10, 1980

Dear Parents:

Troop #3 Barrington is alive and well. The troop will remain in full operation.

Chuck McGonagle has been appointed Senior Assistant Scoutmaster, by the troop committee and it will be business as usual, at the same old store.

The Narragansett Council is very proud of Troop #3 and commends the boys, parents and troop committee for their support now and in the future.

All parents are urged to contact the troop committee with any and all questions regarding troop activities.

Thanking you for your co-operation and wishing you and yours Happy Holidays.

Very truly yours,

The Troop Committee

Scoutmaster faces morals counts

WARREN — A Barrington scoutmaster of Troop 3 was released on bail after arraignment yesterday in District Court. Warren, on six charges of sexual assault on three Boy Scouts in his troop, police said. Carlton Bittenbender, 36, of 65 Boyce Ave., appeared before Judge Vincent A. Ragosta, who continued the felony charges to Feb. 28 in Superior Court. Ragosta released Bittenbender on \$5,000 personal recognizance on each of the charges.

Barrington police said they received complaints from the parents of a 12-year-old boy and two 13-year-old boys last week on incidents that allegedly occurred between March 3 and Oct. 27.

Barrington

Of the six offenses, four involved a 12-year-old boy, police said.

Bittenbender resigned yesterday as scoutmaster, according to Vincent N. Borrelli, scout executive for the Narragansett Council, Boy Scouts of America. He said Bittenbender, who became scoutmaster of Troop 3 in May, 1977, did not state a reason for resigning.

The troop committee and sponsoring organization will select a replacement. Sponsor of Troop 3 is the Sowams Elementary School PTA.

Section
The Evening Bulletin
Tuesday, December 9, 1980

November 17 (on or about) -

Received call from Carl Bittenbender describing various incidents which had subjected him to troop committee investigations. They were:

1. Rubbing back of Scout to calm him down while at Camp Yawgoog. Was done in same bunk in tent or adirondack.
2. Rubbing back of another Scout to calm him down. Family problems involved.

Carl contends this was all done in innocence to help the boys. Parents of boys involved contend he was sexually abusing.

Troop committee (after tedious investigation) found Carl to be innocent of "sexual abuse" allegations. However, he was also reprimanded for "overstepping" his bounds as a SM. He should not have touched the boys in a back rubbing fashion. Verbal assistance would have been better.

Carl also indicated there were rumors floating at [REDACTED]. Kids calling Carl gay, fag, etc.

November 25 (on or about) -

Received call from Rob Leveille, Principal of Barrington Middle School. Concerned about Carl Bittenbender. Rob has received various complaints from boys and parents regarding alleged homosexual activity by Bittenbender. Rob requested that we (the Council) do something! I explained that we could not remove Carl without written statements from individuals. However, I promised to contact T3 Committee Chairman, Bill Mann immediately. (He was out of town until Monday, December 8.)

December 4 -

Ran into Carl during meeting at Roger Williams College. He insisted that he was innocent and that counter suits would be filed against plaintiffs if charges were pressed.

December 8 -

Carl Bittenbender arrested on 6 counts of second degree sexual assault.

Met with Rob Leveille. He is vehemently in favor of prosecution for Carl. Rob feels that Bittenbender is a threat to the community and is dangerous. Rob claims that there is no deference in types of sexual abuse--could even be mental; therefore, Carl is a threat.

Met with troop committee. They described various incidents--back rubbing, etc., which they felt was not abusive. They also mentioned that Carl was attempting to help in various family problems and that nothing malicious was intended.
NET RESULT: Committee is 100% in defense of Carl Bittenbender.

Committee also described to me that Bittenbender was raised in a troubled situation--alcoholic parents. Hence, grandmother was an important figure in his life. She would use "back rubbing" frequently, as a method to soothe Carl in troubled times. Growing up with that apparently has remained as a technique that Carl has employed with Scouts. (NOTE: Committee felt that Carl should never have done this, regardless!)

December 12 -

Telephone conversation with Carl Bittenbender thanking me for support of T3 on Tuesday night (December 9). (At that time, I indicated my, the district's and the council's support in keeping Troop 3 viable and active.)

Carl still maintains his intent was not to "sexually assault" anyone. He was only attempting to help boys in a troubled situation.

He mentioned his long time (14 years) involvement in Scouting and that he has never had any record of homosexual activity.